

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION</b>	)	<b>MDL No. 2804</b>
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	<b>Case No. 1:17-md-02804-DAP</b>
	)	
<b><i>ALL CASES</i></b>	)	<b>Judge Dan Aaron Polster</b>
	)	

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**MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

Defendants Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Endo International plc,<sup>1</sup> Par Pharmaceutical Companies, Inc., Par Pharmaceutical, Inc., Endo Generics Holdings, Inc., Generics Bidco I, LLC, and Par Sterile Products, LLC (collectively, “Moving Defendants”) respectfully move the Court pursuant to Local Rule 83.9 for an order substituting John Beisner and Thomas Fox with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP (“Skadden”) as counsel of record in place of the law firm Arnold & Porter Kaye Scholer LLP (“Arnold & Porter”) and its attorneys, for the purposes of all matters pending in *In re: National Prescription Opiate Litigation*, Case No. 1:17-md-02804-DAP (“the Opiate MDL”). In support of this Motion, Moving Defendants state the following:

1. Arnold & Porter has been counsel of record for each of the following Moving Defendants in some or all of the cases currently pending in the Opiate MDL:

- a. Endo Health Solutions Inc.
- b. Endo Pharmaceuticals Inc.

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<sup>1</sup> Endo International plc, a foreign company, (i) disputes that it has been properly served in any action pending in the Opiate MDL and that it is subject to personal jurisdiction in the United States; (ii) does not consent to service of process or jurisdiction in this proceeding or any proceeding pending in the Opiate MDL; and (iii) states that this limited special appearance by counsel to file this Motion is without waiver of Endo International plc’s rights and defenses.

- c. Endo International plc
- d. Par Pharmaceutical Companies, Inc.
- e. Par Pharmaceutical, Inc.
- f. Par Pharmaceuticals Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc.
- g. Endo Generics Holdings, Inc.
- h. Par Pharmaceutical Companies, Inc. n/k/a Endo Generics Holdings, Inc.
- i. Generics Bidco I, LLC
- j. Par Sterile Products, LLC.

2. Current Arnold & Porter attorneys<sup>2</sup> having appeared on behalf of one or more Moving Defendants in some or all of the cases currently pending in the Opiate MDL include but are not limited to:

- a. Joshua M. Davis
- b. David D. Fauvre
- c. Anthony J. Franze
- d. John A. Freedman
- e. John D. Lombardo
- f. Sean O. Morris
- g. Eliseo R. Puig
- h. Hannah DeMarco Sibiski
- i. Andrew K. Solow
- j. Ingo W. Sprie, Jr.

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<sup>2</sup> Former Arnold & Porter lawyers Joanna G. Persio and Steven G. Reade previously left the Firm and for that reason have not been involved in the MDL cases. However, they are identified on the main MDL docket as counsel for the Moving Defendants despite not filing Notices of Appearances.

k. Jonathan L. Stern

l. Angela R. Vicari

m. Pamela J. Yates

3. Moving Defendants wish to substitute John Beisner and Thomas Fox of Skadden for Arnold & Porter and its attorneys in connection with all matters pending in the Opiate MDL in which Arnold & Porter and its attorneys have entered an appearance on behalf of Moving Defendants.

4. The withdrawal of Arnold & Porter's lawyers and the substitution of John Beisner and Thomas Fox of Skadden will not delay proceedings or prejudice Moving Defendants. Moving Defendants have other counsel of record in the Opiate MDL, including Baker & Hostetler LLP. That representation will continue and will not be disrupted by the Arnold & Porter withdrawal. Skadden's lawyers have commenced representing Moving Defendants in other opioid-related litigation in other forums across the country.

5. Arnold & Porter has consulted with the Moving Defendants and they have consented to the withdrawal and substitution of counsel.

6. Moving Defendants have not been served or properly served in many actions currently pending in the Opiate MDL. By filing this Motion, Moving Defendants do not admit any facts or waive any rights, and instead expressly reserve all substantive and procedural rights, defenses, affirmative defenses, remedies, protections, immunities, and objections in connection with matters pending in the Opiate MDL, including all defenses related to jurisdiction and service of process.

WHEREFORE, Moving Defendants respectfully request an order authorizing the substitution of John Beisner and Thomas Fox, of the law firm of Skadden, Arps, Slate, Meagher & Flom LLP and the withdrawal as counsel of Arnold & Porter Kaye Scholer LLP and its current

or former attorneys Joshua M. Davis, David D. Fauvre, Anthony J. Franze, John A. Freedman, John D. Lombardo, Sean O. Morris, Joanna G Persio, Steven G. Reade, Hannah DeMarco Sibiski, Andrew K. Solow, Ingo W. Sprie, Jr., Jonathan L. Stern, and Pamela J. Yates, in connection with any case pending in the Opiate MDL.

Dated: October 29, 2021

/s/ Jonathan L. Stern

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*Counsel for Defendants Endo Health Solutions Inc.,*

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Par Pharmaceutical Companies, Inc., Par  
Pharmaceutical, Inc., Endo Generics Holdings,  
Inc., Generics Bidco I, LLC,, and Par  
Sterile Products, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of Ohio by using the CM/ECF system on October 29, 2021. I further certify that service will be accomplished by the CM/ECF system.

By /s/ Jonathan L. Stern  
Jonathan L. Stern